

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Spectrum Needs of Emergency)	
Response Providers)	WT Docket No. 05-157
)	
Input Required for FCC Report)	
Mandated by Intelligence Reform)	
and Terrorism Prevention Act of 2004)	

To: The Commission

**Comments
of the
Enterprise Wireless Alliance**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.415 of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, and pursuant to the directives of the Intelligence Reform and Terrorism Prevention Act of 2004,¹ respectfully submits its comments in response to the Commission’s invitation to provide input regarding the spectrum needs of emergency response providers.² The Commission has requested this information as part of its assessment of the short-term and long-term spectrum requirements of emergency response providers, a study mandated by the Act. EWA is pleased to provide the following information in support of that Congressional objective.

¹ Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108-458, 118 Stat. 3638 (2004) (“Act”).

² *Public Notice*, Federal Communications Commission Requests Comment on Spectrum Needs of Emergency Response Providers: Input Required for FCC Report Mandated by the Intelligence Reform and Terrorism Prevention Act of 2004, FCC 05-80 (rel. March 29, 2005) (“Public Notice”).

I. INTRODUCTION

EWA represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers, all of which use or provide wireless telecommunications products or services. The Alliance is the successor organization to the Industrial Telecommunications Association, Inc. (“ITA”) and the American Mobile Telecommunications Association, Inc. (“AMTA”) which have consolidated their operations within EWA. Both organizations represented the interests of their respective constituencies before the Commission for many years. ITA has worked closely with public safety and emergency responders in preparing applications for their private, internal systems, while AMTA has represented both large and small commercial providers that include numerous public safety entities, including emergency responders, as customers on their commercial systems. The breadth of EWA’s collective membership and its long-standing experience in wireless matters qualifies the Alliance to provide the type of information requested by the FCC.

II. BACKGROUND

Section 7502(d) of the Act requires the FCC to conduct a study addressing the following:

...short-term and long-term needs for allocations of additional portions of the electromagnetic spectrum for Federal, State, and local emergency response providers, including whether or not an additional allocation of spectrum in the 700 megahertz band should be granted by Congress to such emergency response providers.”³

³ Act at § 7502(a).

The Act also provides that in conducting the study the Commission must take the following actions:

- (1) seek input from Federal, State, local and regional emergency response providers regarding the operation and administration of a potential nationwide interoperable broadband mobile communications network; and
- (2) consider the use of commercial wireless technologies to the greatest extent practicable.⁴

The Public Notice seeks input on each of those issues.

III. EMERGENCY RESPONSE PROVIDERS ARE BEST SERVED BY SPECTRUM ALLOCATIONS THAT SUPPORT BOTH PRIVATE, INTERNAL AND COMMERCIAL SYSTEMS

The public safety community at the Federal, State, regional and local levels undoubtedly will take this opportunity to identify and quantify its communications requirements, particularly those involving private, internal systems operated by public safety entities themselves. There is no question that such entities have unique requirements in fulfilling certain of their public service obligations. The coverage, reliability and security of their communications cannot be compromised whether the system is carrying analog voice, advanced data or any other type of message. It is essential that the Commission continue to ensure that adequate spectrum is made available to satisfy requirements that cannot be met other than on a private, exclusive public safety system.

Those specialized needs traditionally have played a prominent role in the Commission's spectrum policy decisions. That focus was further heightened by the terrorist activities of 9/11. As described in the Public Notice, the FCC has allocated substantial spectrum exclusively for public safety use in recent years, including

⁴ *Id.* at § 7502(d).

spectrum suitable for both traditional and advanced technology systems.⁵ To the extent those allocations are inadequate or ill-suited to accommodate near-term and long-term needs, those concerns can be best described by public safety users themselves.

Additionally, however, both Congress and the Commission also have recognized that commercial wireless systems play an increasing role in meeting certain public safety communications requirements. This is not because public safety entities are reducing the applications being conducted on private systems. To the contrary, as the scope of their responsibilities increases, as technology advances provide additional capabilities, as the American Public demands more and more services from its emergency response providers, it has become imperative that they distinguish functions that must be carried on their private, internal systems from those that may, or even should, be met on a commercial network.

This natural migration of certain public safety applications is occurring in large cities and small towns, in urban as well as rural markets, and includes the systems of local service providers as well as national carriers. It has been made possible because of the maturation of commercial systems. They now are more likely to approximate the coverage requirements of public safety operations. Their capabilities have improved in terms of reliability, robustness and security. Competition and improved technologies have helped drive down the cost of service, a critical factor for municipalities that must balance competing demands for limited financial resources. They also permit public safety users the additional cost savings

⁵ Public Notice at p. 3.

of deploying equipment that can take advantage of technical advances and economies of scale generated in a consumer marketplace.

The Commission already is familiar with public safety use of the iDEN networks operated by Nextel Communications, Inc. and SouthernLINC Wireless. Both companies have worked closely with that community to develop products and services well-suited for their applications. For example, SouthernLINC Wireless serves some fifty thousand (50,000) public safety and governmental subscribers, providing both mission critical and administrative services to police, fire, ambulance, hospital and all other types of governmental users. In certain instances, the availability of SouthernLINC Wireless's advanced network has allowed public safety entities to avoid the cost involved in constructing and maintaining their own systems. Indeed, without access to that iDEN network, it is uncertain whether governmental users in its coverage area would have sufficient spectrum or the advanced technology to support their growing responsibilities. The expansion of that network, particularly through additional spectrum, undoubtedly would benefit the public safety community in SouthernLINC Wireless's area through additional coverage and capacity.

But the growing partnership between public safety and commercial systems is not limited to large, advanced technology, digital networks. Local radio dealers and service providers traditionally have installed and maintained the systems of public safety entities without the resources or inclination to have their own, internal communications expertise. Typically, such systems operated on spectrum

allocated for public safety use. More recently, however, for the reasons described above, an increasing number of governmental entities have become subscribers on spectrum licensed to these same companies. This usage does not supplant, but rather supplements, the systems operated by the public safety entities themselves. The services can include two-way dispatch, mobile data, microwave, paging and even Internet access utilizing VHF, UHF, T-band, 800/900 MHz, and a variety of licensed and unlicensed microwave bands. The applications can range from primary mission critical functions, to mission critical backup, to E-911 support, to AVL capability, and to day-to-day administrative activities.

Local dealers often have long-standing relationships with governmental entities and a personal knowledge of their operating requirements that is unsurpassed. They are able to tailor systems to those needs, designing them to the required reliability standards and providing the back-up generators and other features that allow them to survive natural disasters that can be devastating to larger, wireline telephone-dependent networks. They also are prepared to provide coverage in areas that might have insufficient population to justify the deployment of a larger commercial network.

EWA conducted a survey of its membership and identified such relationships in virtually every part of the country and involving a wide array of system types. One EWA member provides the primary mobile data service for the City of Cleveland. A St. Louis, Missouri operator has several hundred first responder and commercial ambulance units on its 900 MHz trunked system. A number of

members provide the primary communications service for ambulance companies; some serve water control districts, medical facilities, jails, transportation departments, schools and virtually every other type of governmental and quasi-governmental institution.

In fact, members from Texas to Oregon and from Maryland to Northern California reported that their emergency responder customers use the range of services identified above. Those in larger markets noted that public safety users sometimes turn to their systems when the governmental entity's needs exceed the spectrum available to it or when the application it requires is highly specialized. Those in smaller communities find that public safety entities do not always have the technical expertise to operate their own systems. They find it more convenient and more cost-effective to acquire service from third parties at a predictable, fixed charge. In all cases, there is a genuine sense of partnership between the service provider and the governmental entity that translates into the provision of high quality service to the community in which both exist.

IV. RECOMMENDATIONS

EWA hopes that the study directed by the Act will result in Federal Government endorsement of these types of public-private arrangements. It should recognize that emergency responder communications requirements sometimes will be met more efficiently and effectively on a third party system. Funding options and spectrum access both should reflect that approach to serving the needs of emergency responders.

The Commission already has taken important steps in adopting a regulatory framework that will permit more flexible spectrum usage through initiatives such as its secondary licensing proceeding.⁶ However, flexible rules, by themselves, are not sufficient. There also is a need for spectrum that can support these types of critical communications in bands well-suited for public safety usage. EWA's members reported significant, continued public safety interest in the VHF and UHF bands. Many members also noted that serving the public safety community will be a significant growth area for their businesses in the future.

The Alliance appreciates that the Part 90 VHF and UHF allocations, both for public safety and non-public safety services, is among the most intensively used spectrum within the Commission's jurisdiction. FCC efforts to promote even greater utilization of these bands focus largely on reducing channel bandwidths.⁷ Doing so may permit the introduction of some additional systems in certain markets, but it will not provide the opportunities for advanced technologies and interference-free operations that are created when unencumbered spectrum is made available. The communication requirements of the public safety community are served currently and will continue to be accommodated in the future through a variety of private and shared system methods. EWA urges the Commission to support all solutions and to identify approaches that might allow Alliance members access to additional VHF and UHF spectrum, including Federal Government

⁶ See 47 C.F.R. § 1.9001 *et seq.*

⁷ See, e.g., WT Docket No. 99-87, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order*, 19 FCC Rcd 25045 (2004).

spectrum, for the express purpose of providing efficient and cost-effective service to emergency responders and other public safety entities.

Respectfully submitted,

ENTERPRISE WIRELESS

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